

RESPONSE TO RESTRICTION REQUIREMENT
U.S. Appln. No. 10/752,674

REMARKS

On page 2 of the Office Action, the Examiner issues a Restriction Requirement under 35 U.S.C. § 121 to one of the inventions of the following groups:

- Group I - Claims 15, 18-21 and 23-26, drawn to a composition comprising equol;
- Group II - Claim 29, drawn to a method of producing equol; or
- Group III - Claim 32, drawn to live cultures of bacterial strains.

Specifically, the Examiner contends that restriction is proper with respect to Groups II and III, because the product of Group III can be used in a materially different process than that recited in Group II, i.e., live cultural bacterial strains can be used for obtaining antibodies or host cells or in a process of involving the use of recombinant DNA or for the production of single cell protein for nutritional supplementation.

Furthermore, the Examiner contends that restriction is proper with respect to Groups I and III, because the products of Groups I and III have distinct morphological and functional physiological properties.

Accordingly, Applicants hereby elect the invention of Group I, i.e., Claims 15, 18-21 and 23-26, without traverse. Applicants hereby cancel non-elected Claims 29 and 32, without prejudice to pursue the same in a Divisional Application(s).

Applicants note, the Examiner indicates on page 3 of the Office Action that process claims that depend from, or otherwise

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include all of the limitations of patentable product claims, will be rejoined as a matter of right.

Applicants hereby add new method Claims 33-50, which are dependent on composition Claims 15, 18-21 and 23-26, and request that such be rejoined upon allowance of the composition claims.

Additionally, in attempt to correct an obvious typographical error, Applicants file simultaneously herewith a corrected Form PTO/SB/08 A & B changing the date of U.S. Patent 4,268,434 from "August 19, 1981" to "May 19, 1981".

The Examiner is invited to contact the undersigned at the below listed number on any questions which might remain.

Respectfully submitted,

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